

**aUNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and MICHAEL
S. REGAN,¹ in his official capacity as the
Administrator of the United States
Environmental Protection Agency,

Defendants,

AMERICAN PETROLEUM INSTITUTE,
et al.,

Defendant-Intervenors,

NATIONAL HYDROPOWER
ASSOCIATION,

Defendant-Intervenors,

STATE OF LOUISIANA, *et al.*,

Defendant-Intervenors.

Civil Action No. 2:20-cv-03062-BHH

**ORDER GRANTING EPA'S MOTION
FOR REMAND WITHOUT VACATUR**

Defendants United States Environmental Protection Agency and Michael S. Regan, in his official capacity as the Administrator of the United States Environmental Protection Agency (collectively, "EPA"), moved to remand the *Clean Water Act Section*

¹ EPA Administrator Michael Regan is automatically substituted for Andrew Wheeler pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

401 Certification Rule, 85 Fed. Reg. 42,210 (July 13, 2020) (the “Certification Rule”), to the EPA without vacatur. (ECF No. 67.) Having considered the EPA’s motion and Plaintiffs’ response in opposition, and otherwise being sufficiently advised, the Court hereby GRANTS the EPA’s motion. It is therefore ORDERED that the Certification Rule is remanded to EPA without vacatur. All other pending motions are hereby denied as moot and this action is dismissed, with all parties to bear their own attorneys’ fees and costs.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 2, 2021
Charleston, South Carolina